



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

932 WRIT PETITION NO. 4521 OF 2024

BHIMRAO PARVATRAO PAWAR

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
DIRECTOR AND OTHERS**

...

Shri Pratik A. Bhosle, Advocate for the Petitioner.

Shri V.M. Kagne, AGP for Respondent Nos.1 to 5/State.

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**CORAM : RAVINDRA V. GHUGE
&
R.M. JOSHI, JJ.**

DATE :- 30th April, 2024

Per Court :-

1. The Petitioner superannuated on 31.07.2007. He was working as a Mustering Assistant and was absorbed in service on 24.06.2004. Reliance is placed on the judgment delivered by the Honourable Supreme Court (three Judges Bench) dated 07.09.2022 in Civil Appeal Nos.6531-6533/2022 (***Shaikh Miya Shaikh Chand vs. State of Maharashtra and others***) wherein, the Honourable Supreme Court has held as under:-

“We are thus of the view that the only direction which can be issued is that persons who has been absorbed over a period of time post 31.03.1997, for pensionable service, the

reckoning date would be 31.03.1997 and such of the persons who have rendered a pensionable service on that basis would be entitled to that benefits.”

2. In view of the above, this **Writ Petition is disposed off.**

3. We direct Respondent No.2 to ensure that the pension papers of the Petitioner are cleared and more so, in the light of the directions of the Honourable Supreme Court in ***Shaikh Miya Shaikh Chand (supra)***. The arrears shall be calculated and interest at the rate of 6% per annum, shall be calculated on the arrears of pension amount. Such arrears and interest shall be paid to the Petitioner within 90 (ninety) days from today. Payment of regular pension shall be commenced from 01.07.2024.

kps (R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)